

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

This matter is before the court on the motion to continue by government's counsel (Filing No. 35). Counsel seeks a continuance of the trial of this matter which is scheduled for November 23, 2009. Government's counsel represents that counsel for the defendant, Wakaja Harden (Harden), has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The motion to continue trial (Filing No. 35) is granted.

2. Trial of this matter is re-scheduled for **December 14, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 23, 2009 to December 14, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 3rd day of November, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge